

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Applicant, by the instant amendment, has added the section headings as requested by the Examiner.

Claims 1-7 have been cancelled in favor of new claims 8-13. It is respectfully submitted that claims 8-13 comply with the formal requirements of 35 U.S.C. 112, second paragraph and thus obviate the Examiner's rejection of originally filed claims 1-6 under 35 U.S.C. 112, second paragraph. Previously submitted claims 1-7 were rejected over a variety of prior art references under either 35 U.S.C. 102 or 35 U.S.C. 103. As to how those rejections apply to the claims as amended herein, they are respectfully traversed for the reasons set forth hereinbelow.

Newly presented independent claim 8 sets forth with specificity a public transportation vehicle for transporting passengers having a blast-resistant protection means arranged in the interior of the vehicle for confining an explosive blast and protecting at least some of the passengers from the explosive blast. The blast resistant protection means comprises an array of partitions arranged in the interior of a vehicle to subdivide the interior into a plurality of interconnected subspaces for substantially confining the explosive blast to at least one of

the subspaces for protecting the passengers situated in the remaining subspaces. The array of partitions comprise at least six spaced-apart blast-resistant panels positioned within the interior of the vehicle for separating groupings of passengers from each other. The sum total teachings of the prior art references cited by the Examiner fail to teach, disclose, suggest, or render obvious the subject matter of independent claim 8 and dependent claims 9-12 which depend either directly or indirectly therefrom.

Claim 8 as pending includes all the limitations of originally filed claims 1-3. The Love reference cited by the Examiner was cited against originally filed claims 1, 2 and 7 under 35 U.S.C. 102. The Love reference is defective with respect to new independent claim 8 in that the Love reference does not relate to a public transportation vehicle adopted to transport civilian passengers. In addition, the Love patent fails to teach an array of partition means as defined in independent claim 8. Accordingly, it is believed that claim 8 distinguishes over the Love reference.

With respect to the Law reference which was applied to under 35 U.S.C. 102 over claims 1, 2 and 7 the following should be noted. The Law patent deals with a troop character for military use as opposed to a public transportation vehicle. In

addition, the Law reference does not teach or suggest an array of partition means arranged in the interior of the vehicle as defined in independent claim 8. Accordingly, it is believed that claim 8 defines over the Law reference.

The Fenton reference was applied by the Examiner under 35 U.S.C. 102 against previously submitted claims 1, 2, 4 and 7. The Fenton reference deals with a partition used in a taxi cab to protect a driver against robbery from a passenger sitting in the backseat. The reference does not deal with a blast partition. The reference does not teach or suggest an array of partition means arranged in the interior of the vehicle as claimed in newly presented independent claim 8. Accordingly, it is submitted that claim 8 defines over the Fenton reference.

The Examiner applied the Splotz et al. reference against previously submitted claims 1, 3, and 7. Initially it should be noted with regard to the Splotz et al. reference that the reference is directed to an armored vehicle designed for carrying munitions. The Splotz patent does not teach or suggest an array of partition means as defined in independent claim 8 for protecting passengers situated in subspaces separated from a subspace where an explosive blast is confined. According, it is submitted that claim 8 defines over the Splotz reference.

The Examiner has applied the Madden, Jr. reference under 35 U.S.C. 102 against previously submitted claims 1, 2 and 5-7. The Madden patent is drawn to a removable blast resistant apparatus for vehicles and teaches the use of a bulletproof apparatus which is attachable to doors and windows of a vehicle. The Madden reference fails to teach an array of partitions arranged in the interior of a vehicle as set forth in independent claim 8. Accordingly, it is submitted that claim 8 defines over the Madden reference.

The Examiner applied the McKenzie reference under 35 U.S.C. 102 against previously submitted claims 1, 2, 5 and 7. Again, as was the case with the references cited above, the McKenzie reference fails to teach an array of partition means arranged in the interior of the vehicle as claimed in independent claim 8. Accordingly, it is submitted that claim 8 patentably defines over the McKenzie reference.

In light of the foregoing, it is submitted that claims 8-12 patentably define over the art of record and an early indication of same is respectfully requested.

With regard to method claim 13, it is submitted that method claim 13 likewise defines over the teachings of the prior art references. There is nothing in the sum total teachings of the prior art references whether taken alone or in combination of

locating at least six blast resistant panels in the interior of a vehicle in the manner claimed in independent claim 13. Accordingly, it is respectfully submitted that independent claim 13 patentably defines over the art of record.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,

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By _____

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 30, 2004.


Rachel Piscitelli